

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GREAT NORTHERN INSURANCE COMPANY	:	
as Subrogee of Jon and Abby Winkelreid	:	CIVIL ACTION NO:
Plaintiff	:	05cv10165 RGS
vs.	:	
	:	
FERGUSON & SHAMAMIAN ARCHITECTS, LLP	:	
	:	
and	:	
	:	
W.B. MARDEN, COMPANY	:	
Defendants	:	

**PLAINTIFF’S RULE 14(a) COMPLAINT AGAINST THIRD-PARTY DEFENDANT
THIRTY ACRE WOOD, LLC**

1. On January 27, 2005, plaintiff filed a Complaint against defendants, Ferguson & Shamamian Architects, LLP (hereinafter “FSA”) and W.B. Marden Company (hereinafter “WBM”).

2. Plaintiff’s Complaint alleged *inter alia* that its insured’s property was damaged as a result a the negligence of defendant FSA and/or defendant WBM.

3. On September 1, 2005, defendant FSA filed a Third-Party Complaint against third-party defendant Thirty Acre Wood, LLC (hereinafter “TAW”).

4. In its Third-Party Complaint, defendant/third-party plaintiff FAC alleged, *inter alia*, that the damages resulted from the negligence of third-party defendant TAW and seeks contribution, contractual and common law indemnity from them.

5. If it is determined that plaintiff’s damages were caused by the aforesaid conduct of third-party defendant TAW, so that third-party defendant alone is liable to the plaintiff, or is jointly and severally liable with defendant/third-party plaintiff FAC and/or other parties for

plaintiff's damages, plaintiff hereby makes a direct claim against the third-party defendant pursuant to Rule 14(a) of the Federal Rules of Civil Procedure.

WHEREFORE, plaintiff demands judgment in its favor and against third-party defendant Thirty Acre Woods, LLC, in the amount of Eight Hundred Seven Thousand Five Hundred Ninety Dollars and Seventy-Two Cents (\$807,590.72) together with interest and costs of this action.

Respectfully submitted,

GREAT NORTHERN INSURANCE COMPANY,
By its attorneys,

s/Robert M. Caplan
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Dated: September 12, 2005

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2005, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following counsel of record.

Jay S. Gregory, Esquire
World Trade Center East
Two Seaport Lane
Boston, MA 02210

Kathleen Tulloh Brink, Esquire
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One Financial Center
Boston, MA 02111

I further certify that I sent a copy of the foregoing via regular mail to Thirty Acre Wood, LLC, 43 Nobadeer Farm Road, Nantucket, MA 02554.

s/ Robert Caplan
ROBERT CAPLAN, ESQUIRE